

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re BRIAN T. HILL, H67149,  
Plaintiff.

Case No. [21-cv-04066-CRB](#) (PR)

**ORDER DIRECTING CLERK TO  
CLOSE/TERMINATE ACTION**

On May 28, 2021, the clerk filed as a new action a pleading from plaintiff complaining about the COVID-19 related shortcomings at the California Men’s Colony (CMC) in San Luis Obispo. The court notified plaintiff in writing at that time that the action was deficient because plaintiff did not file an actual complaint or pay the requisite \$402.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis (IFP) application, including a completed certificate of funds in the prisoner’s account and a copy of the prisoner’s trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). The court sent plaintiff blank prisoner complaint and IFP forms and advised him that failure to file the requested items within 28 days would result in dismissal of the action.

On June 19, 2021, plaintiff filed a letter clarifying that he “did not intend to file a new action.” ECF No. 5 at 1. Plaintiff instead appears to have intended to bring to the attention of Judge Jon Tigar, who is overseeing a class action regarding overcrowding and other conditions in the state prisons, the COVID-19 related shortcomings at CMC.

The clerk is directed to close/terminate this action as improvidently opened/filed and to send a copy of plaintiff’s May 28, 2021 pleading (ECF No. 1) to class counsel in Plata v. Newsom, 01-cv-01351-JST. No filing fee for this improvidently opened/filed action is due. Plaintiff is reminded that, if he wishes, he may file an individual action concerning COVID-19

1 related shortcomings at CMC in federal court. But because CMC is in San Luis Obispo County,  
2 such action should be filed in the United States District Court for the Central District of California,  
3 Western Division. See 28 U.S.C. § 84(b)(2).

4 **IT IS SO ORDERED.**

5 Dated: June 24, 2021



CHARLES R. BREYER  
United States District Judge